



An
Coimisiún
Pleanála

Inspector's Report

ACP-323601-25

Nature of Application

Application for consent for compulsory acquisition of a derelict site in accordance with Section 14 of Derelict Sites Act 1990, as amended.

Location

Elm Lawn (Rock Cottage), Loughbeg, Ringaskiddy, Co. Cork

Planning Authority

Cork County Council

Notice Party

Mary O'Donovan and Denis Keane.

Date of Site Inspection

29th of October 2025

Inspector

Siobhan Carroll

1.0 Introduction

- 1.1. This case relates to a request by Cork County Council for the consent of An Coimisiún Pleanála to the compulsory acquisition of the subject site at Elm Lawn (Rock Cottage), Loughbeg, Ringaskiddy, Co. Cork, in accordance with the provisions of the Derelict Sites Act, 1990, as amended.

2.0 Site Location and Description

- 2.1. The site of the subject property is located within Ringaskiddy, Co. Cork. Ringaskiddy is situated circa 15km to the south-east of Cork City on Cork Harbour. The port at Ringaskiddy provides passenger and freight services. The National Primary Route the N28 links Ringaskiddy to the N40 (South Ring Road).
- 2.2. The subject property Elm Lawn (Rock Cottage) lies to the south of the L2545. It is located immediately to the east of Martello Park. Martello Park comprises a development of 20 no. houses a mix of semi-detached and terrace properties. No's 1-8 inclusive are accessed from a section of road with two junctions off the L2545 to the north. No's 9-20 Martello Park are located within a cul de sac to the south of the subject property. There are four detached dwellings to the east of the subject property.
- 2.3. The subject site has a stated area of 0.068 hectares. The property on the site is a detached dwelling. It is in a derelict condition with no roof on the property, no glazing to the windows at first floor and the doors and windows at ground floor are boarded up. There is ivy growing on the entire derelict property. The site has frontage of approximately 24m on the road to the north. On inspection of the site, I observed that there was slot block barrier fencing erected to the north of the building enclosing the site.

3.0 Application for Consent for Acquisition

- 3.1. Cork County Council has applied to the Commission for consent to compulsorily acquire the site under section 14 of the Derelict Sites Act, 1990, as amended. I note that this application is subsequent to Cork County Council serving a notice dated 4th July 2025 under Section 15 of the Act on the Derelict Sites Act, 1990, as amended,

(i.e. advising of the Local Authority's intention to acquire compulsorily under the said Act, the derelict site as described).

4.0 Application and Objection

4.1.1. Notice of Cork County Council's intention to acquire the site compulsorily was served on the owner/occupiers Mary O'Donovan and Denis Keane and was published in the Irish Examiner on the 8th of July 2025. The site was described as follows in the notices:

- Derelict residential property at Elm Lawn, (Rock Cottage), Loughbeg, Ringaskiddy, Co. Cork.

4.1.2. I consider that the notices were in accordance with the requirements of section 15(1)(a) of the Derelict Sites Act 1990, as amended.

4.2. Objection to Acquisition

4.2.1. Two no. submissions (by the property owners) expressing objection to the proposed acquisition were submitted to Cork County Council by, Mary O'Donovan, on 24th of July 2025 and Denis Keane on the 28th of July 2025.

(1) Mary O'Donovan

4.2.2. The letter from Ahern Roberts O'Rourke Williams & Partners Solicitors on behalf of Mary O'Donovan dated 24th of July 2025 states that Mary O'Donovan is the registered owner of Rock Cottage, Loughbeg, Ringaskiddy, Co. Cork and that she formally objects to the proposed compulsory acquisition of the property.

4.2.3. The letter refers to mapping error/incorrect inclusion of Mary O'Donovan's property and registered right of way across the "derelict property".

4.2.4. It is stated that the map attached to the Notice erroneously includes a portion of land that forms part of Mary O'Donovan's title of Rock Cottage, post code P43YW54. The submission to the Council included:

(a) Land Registry Compliant Map showing the extent of Mary O'Donovan's property outlined in red.

- (b) Land Registry Compliant Composite Map showing the extent of Mary O'Donovan's property and the alleged derelict property.
- (c) Land Registry Compliant Composite Map showing the extent of her property and registered right of way across the front boundary of the alleged derelict property.

4.2.5. It was requested in the letter that Cork County Council do the following:

- (a) Immediately amend the map attached to the derelict site notice to accurately reflect the boundaries of the alleged derelict site.
- (b) Remove Mary O'Donovan's property from any future references, mapping or administrative records relating to derelict sites in this area.
- (c) Confirm in writing that Mary O'Donovan's property is not subject to any further action under the current derelict site proceedings.
- (d) Note and acknowledge Mary O'Donovan's registered right of way, which entitles them to free and uninterrupted use of the paths and avenues on the property, at all times and for all purposes.

4.2.6. The letter from Ahern Roberts O'Rourke Williams & Partners Solicitors on behalf of Mary O'Donovan dated 27th of August 2025 states that they acknowledged the letter from Cork County Council in response to the matters they raised in the previous correspondence and that they await amended mapping for review.

4.2.7. It was confirmed that Mary O'Donovan has no interest in disposing her property to Cork County Council at this point but that she would be interested to exploring the possibility of purchasing from Cork County Council the property at Elm Lawn, Loughbeg, Ringaskiddy, Co. Cork, the property being the subject of Section 14 of the Derelict Sites Act – Intention to Acquire Compulsorily.

(2) Denis Keane

4.2.8. The letter from Vincent Toher and Co. Solicitors on behalf of Denis Keane dated 28th of July 2025 sets out that Mr. Denis Keane is entitled to a beneficial interest in the said property subject to the Notice and that he formally objects to the proposed compulsory acquisition of the property.

4.2.9. The letter from Vincent Toher and Co. Solicitors on behalf of Denis Keane dated 5th of July 2025 states that Mr. Denis Keane has a beneficial interest of approximately 1/7th to the property, he being a beneficiary under the deceased's will (the previous owner).

4.2.10. It is stated in the letter that Vincent Toher and Co. Solicitors have taken steps to acquire a certified copy of the folio and a certified copy of the Land Registry File Plan for the purpose of examining the matter further. It is stated in the letter that they are seeking from the Council the appropriate period to make further submissions based on information which is not yet to hand but has been inquired of.

4.2.11. In relation to the matter of other beneficiaries it is understood from Mr. Denis Keane that as he is on the one degree of relationship to these beneficiaries what these beneficiaries know of the situation and they are determined to deal with the matter and instruct their Solicitors in due course.

4.3. Local Authority's Application for Consent

4.3.1. The Local Authority requests the consent of the Commission to the compulsory acquisition of the derelict site. The application for consent was received on 8th of September 2025 and included the following:

- Compulsory Acquisition Report of Cork County Council
- Derelict Site Location Map
- Revised Derelict Site location map to be agreed with objector, Mary O'Donovan
- Copy of the notices served on the owners/occupiers of the site.
- Copy of the newspaper notice, dated 8th July 2025.
- Copy of the objections made by Mary O'Donovan and Denis Keane submitted to the Local Authority on the 24th of July 2025 and the 28th of July 2025, respectively. Copy of their further correspondences and acknowledged responses
- Copy of other correspondences/observations regarding the subject property
- Photographs from the derelict site case file on the property.

4.3.2. The Derelict Site report can be summarised as follows:

- The report details that Cork County Council established a Property Activation Unit in 2021. This was subsequently replaced with a Town Regeneration Office established in 2023.
- The focus of the former Property Activation & Regeneration Unit and the current Town Regeneration Office is on bringing derelict and vacant properties back into use with an emphasis on long term derelict properties in town centres.
- It is highlighted that it is an objective of Cork County Council to support and facilitate the reuse and revitalisation of derelict, vacant and underutilized sites and disused buildings throughout towns for residential, economic, community and leisure purposes to create compact attractive, vibrant and safe environments.
- It is the policy of Cork County Council to utilise the provisions of the Derelict Sites Act 1990, where necessary, including the maintenance of a Derelict Site Register and compulsory acquisition powers to address instances of dereliction and decay in the urban and rural environment and bring properties back into active reuse.
- It is stated in the report that where all reasonable alternatives have been exhausted with owners/occupiers of derelict sites, the option to compulsorily acquire the land is progressed.
- The following matters are taken into consideration when progressing a case:-
 - Planning history and outstanding planning permissions,
 - Evidence of efforts to address vacancy and dereliction,
 - Security, safety to the public and general condition of the site,
 - The nature and duration of the dereliction, the impact of the dereliction on the character and amenity of the neighbourhood,
 - The likelihood of the property being taken out of dereliction without the Council's intervention,

- The conservation value of the building and requirement for remedial restoration works, and
 - The feasibility of various actions to make good the site and find viable uses for the site.
- In relation to the subject property Elm Lawn (Rock Cottage), Loughbeg, Ringaskiddy, the history of dereliction has resulted in Cork County Council concluding that the only feasible action to resolve the dereliction on the site is to compulsorily acquire it.
- The derelict site is described as comprising a derelict detached property on a rectangular shaped site of approximately 680sq m.
- Derelict site reports were carried out on 24/06/2010, 27/06/2011 and 23/11/2011. Section 8(2) was issued on 3/11/2011. Section 22 was issued on 4/1/2012. Section 23 was issued on 17/2/2012. Section 23 was issued on 4/3/2014. Section 23 was issued on 4/10/2016. Section 22 was issued on 4/11/2016. Section 23 issued on 13/2/2017. Section 23 was issued on 13/6/2018 and Section 23 was issued on 13/7/2020.
- It is noted in the report that a neighbouring resident Owen O'Mahony claimed to have taken care of the former resident of the subject property and tried to make a claim on the property first in 2022 and in 2024 and 2025.
- In relation to the objections received, Mary O'Donovan is the owner of an adjacent property. She is objecting on the basis that the mapping produced by Cork County Council is incorrect. Cork County Council are in correspondence with her Solicitors to amend it. The original map and proposed amended map have been provided. Denis Keane's Solicitor advises that his client is a nephew of the previous owner and may have a beneficial interest of 1/7th of the property. They have asked for more time to provide necessary proof. Cork County Council are amenable to this request and agreed to a deadline of 1st of October 2025.
- Mr. Owen O'Mahony has written to Cork County advising that he is not objecting to the CPO and that he wishes to engage with Cork County Council with regard to his 'long possession' of the site and negotiate compensation.

Ms. Aoife Lyons has corresponded with Cork County Council in relation to works carried out on the subject property that she understands were carried out under the instruction of Mr. Owen O'Mahony.

- It is concluded in the report that due to the complex history of the site, to observations made by third parties that the Town Regeneration Office are of the view that the compulsory acquisition by the local authority is the only legitimate means by which the derelict and complex nature of the site can be remediated for the benefit of the wider Ringaskiddy community in a timely manner.

4.4. Objector's Submission

4.4.1. None received.

4.5. Oral Hearing

4.5.1. No request has been received for an Oral Hearing.

5.0 Planning History

Adjacent site to the east

5.1. Reg. Ref. 255503 - Permission was refused for the demolition of an existing dwelling, for construction of 2 No. two-storey semi-detached dwellings, for 2 No. new vehicular entrances and all associated site development works at Rock Cottage, Loughbeg, Ringaskiddy, Co. Cork. Permission was refused for the following reason.

1. Based on the information submitted in the planning application relating to the existing dwelling and having regard to its inclusion on the National Inventory of Architectural Heritage, it is considered that the demolition of the dwelling would result in the direct destruction of the architectural heritage of the county, would fail to protect a structure which has architectural and vernacular interest, would set an undesirable precedent for other such development proposals and would conflict with policy objective HE 16-15 of the County Development Plan 2022-2028 which seeks to protect such structures

from adverse impacts. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

5.2. Reg. Ref. 0710584 - Permission was granted for the demolition of a dwellinghouse and construction of 3 no. dwellinghouses.

6.0 Policy Context

6.1. Cork County Development Plan 2022-2028

6.1.1. The subject property is in an area zoned 'Town Centre/Neighbourhood Centres.' The objective for this zoning is:

- (a) Promote the development of town centres and neighbourhood centres as the primary locations for retail and other uses that provide goods or services principally to visiting members of the public. The primary retail areas will form the main focus and preferred location for new retail development, appropriate to the scale and function of each centre and in accordance with the Retail Strategy. Residential development will also be encouraged particularly in mixed use developments while the use of upper floors of retail and commercial premises in town centres for residential use will in particular be encouraged.
- (b) Recognise that where it is not possible to provide the form and scale of development that is required on a site within the core area, consideration can be given to sites on the edge of the core area based on sequential approach.

6.1.2. The following provisions of the Development Plan are considered relevant:

- Paragraph 4.9.13, Volume 1 notes that 'the Council will use various mechanisms to resolve issues of title including Compulsory Purchase Orders to resolve long standing vacancy/ dereliction, however, it must be recognised that such powers are less efficient to progressing redevelopments than on a willing partnership basis'.
- Paragraph 4.11.4 notes that land activation measures including the use of statutory powers will be used to address vacancy and dereliction.

- Regarding vacancy, Objective PL 3-2 'Encouraging Sustainable and Resilient Places' provides that as part of the Council's commitment to deliver compact growth and resilient places, the Plan supports addressing vacancy within the existing building stock.
- Objective TCR 9-2: Vacancy and Regeneration states under part (g)
In relation to Derelict Sites the council will endeavour to use all mechanisms available to it as appropriate in order to maximize the potential of such lands.
- Policy Objective PO12 – The Councils will support the creation of attractive and vibrant places through the renovation and re-use of obsolete, vacant and derelict homes. The Councils will incentivise bringing empty homes into use through various means including the application of a vacant site levy in accordance with the Urban Regeneration and Housing Act 2015 (or any measures that shall replace it). The Councils will also promote the conversion of vacant properties into new social and affordable homes through schemes including the Repair and Leasing Scheme, the Buy and Renew Scheme, and long-term leasing. The Councils will endeavour to promote these schemes and encourage owners of vacant properties to avail of these schemes, directly or in co-operation with Approved Housing Bodies.

6.2. **Derelict Sites Act**

6.2.1. The Derelict Sites Act 1990, as amended, makes provisions to prevent land being or becoming a derelict site. Amongst other things, it enables local authorities to required landowners or occupiers to take measures on derelict sites and, in certain circumstances, to acquire derelict sites compulsorily.

6.2.2. Section 3 of the Act defines 'derelict site' as:

"Any land...which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of–

- (a) the existence of the land in question of structures which are in a ruinous, derelict or dangerous condition, or

- (b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or
- (c) the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by or under statute or by common law."

6.2.3. Section 8 of the Act requires local authorities to establish a register of derelict sites in their functional area and to serve notices on occupiers of their intention to do so. Section 9 places a duty on every owner and occupier of land, to take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site. Section 10 places a similar duty on local authorities to take all reasonable steps, including the exercise of any appropriate statutory powers, to ensure that any land in their functional area does not become or continue to be a derelict site. Section 11 of the Act enables local authorities to serve a notice on an owner or occupier of land, requiring them to take specified measures to prevent land becoming or continuing to be a derelict site.

6.2.4. Section 14 provides that a local authority may acquire by agreement or compulsorily any derelict site situated in their functional area. Section 15 sets out arrangements for giving notice, if the local authority intend to acquire a derelict site compulsorily, and section 16 sets out arrangements if the owner/occupier wish to object to the acquisition. Specifically, section 16, as amended, provides that where an objection is made, the derelict site shall not be acquired compulsorily by the local authority without the consent of the Board.

7.0 Assessment

7.1. Internal access to the property was not possible on the date of my site inspection. However, I carried out my site inspection from the public road, the front of the property.

7.2. Elm Lawn, (Rock Cottage), Loughbeg, Ringaskiddy is a detached property located on the southern side of a local road to the south of the L2545. The property is in a considerable state of disrepair. The dwelling currently has no roof, no glazing to the

windows at first floor and the doors and windows at ground floor are boarded up. There is ivy growing on the entire property. The dwelling is clearly in a derelict state.

- 7.3. In relation to the category of dereliction which may be applicable to the subject property there are three set out under Section 3 of the Derelict Sites Act 1990, as amended. Regarding category 3 (a) which relates to structures which are in a ruinous, derelict or dangerous condition, based on my site inspection and material on file, I would not consider that the structure is in a dangerous condition in the absence of access the interior of the property or a structural survey.
- 7.4. Secondly, in relation to category 3 (b) of Section 3 of the Act, I note the condition of the property and the general appearance of the property and grounds having a neglected, unsightly and objectionable condition and I consider that the site falls within category (b) of Section 3 of the Derelict sites Act, 1990.
- 7.5. Thirdly, in relation to category (c) of Section 3 of the Act, there is no litter collection/deposits on the site. I did observe a small car which is parked immediately to the front of the building which appears to be in situ there for some time. However, due to the fact that no rubbish or debris was noted on the site, I do not consider the site falls in category (c) of the section of the Derelict Sites Act, 1990.
- 7.6. In conclusion, I consider that the property detracts to a material degree from the amenity, character and appearance of land in the town centre, which in my view, renders it derelict under Section 3 of the Act.
- 7.7. The Compulsory Acquisition report prepared by Cork County Council states that the focus of the Town Regeneration Office is to bring derelict and vacant properties back into use with an emphasis on long term derelict properties in town centres. It is highlighted in the report that where all reasonable alternatives have been exhausted with owners/occupiers of a derelict site then the option to compulsorily acquire the land is progressed.
- 7.8. It is detailed in the report that a number of criteria are considered when progressing a derelict site case. They are the planning history and outstanding planning permissions, evidence of efforts to address vacancy and dereliction, security, safety to the public and general condition of the site, the nature and duration of the dereliction, the impact of the dereliction on the character and amenity of the neighbourhood, the likelihood of the property being taken out of dereliction without

the Council's intervention, the conservation value of the building and requirement for remedial restoration works, and the feasibility of various actions to make good the site and find viable uses for the site.

- 7.9. In relation to the subject property at Elm Lawn, (Rock Cottage), Loughbeg, Ringaskiddy, there is no planning history or outstanding planning permissions referring to the site. Regarding the two objections to the compulsory acquisition of the property made by Mary O'Donovan and Denis Keane, I would highlight to the Commission that no proposal have been presented in their objections as to how the property could be brought out of dereliction. In relation to the duration of the dereliction of the subject property, I note as detailed in the report from the Town Regeneration Office that the site was entered onto the derelict sites register in 2011. Based on the information on file there does not appear to have been any measures taken by the two objections between 2011 and 2025 to address the dereliction. Therefore, I would consider that there would not be a likelihood of the property being taken out of dereliction in the absence of the Council's intervention to acquire the property compulsorily.
- 7.10. It is stated the report the from Town Regeneration Office that due to the complex history of the site and also to observations made by third parties that the Town Regeneration Office are of the view that the compulsory acquisition by the local authority is the only legitimate means by which the derelict and complex nature of the site can be remediated for the benefit of the wider Ringaskiddy community in a timely manner.
- 7.11. In relation to this I would note that the objector Mary O'Donovan's main issue with the compulsory acquisition of the property referred to an incorrect inclusion of part of her property on the mapping produced by Cork County Council in respect of this compulsory acquisition. Regarding this matter I would highlight to the Commission that Cork County Council have provided an amended map which addresses this. In relation to the objector Denis Keane, as detailed in the correspondence from his Solicitor's Mr. Keane states that he has a beneficial interest of 1/7th in the property. In relation to this matter Mr. Keane's Solicitors requested more time to provide necessary proof. In response Cork County Council stated that they were amenable to the request and agreed to a deadline of 1st of October 2025. I note that there is no further detail on file in relation to this.

- 7.12. I would further note that another party Mr. Owen O'Mahony while not an objector to the compulsory acquisition has corresponded with Cork County Council and stated that he wished to engage with the Council with regard to what he described as his 'long possession' of the site and negotiate compensation.
- 7.13. Accordingly, based on the details set out above I would concur with the assessment of the Council that there is a complex history referring to the subject property and therefore the most appropriate way to address the long-term dereliction of the property is for the Council to acquire it.
- 7.14. In my opinion, no demonstratable efforts have been made to redevelop the dwelling or to bring the site out of dereliction and the objections to the compulsory acquisition of the property have presented no proposals to rectify the condition of the site and subject building. Accordingly, given that the site has been on the derelict sites register since 2011, I recommend a grant of consent to compulsory acquisition of the site in question.

8.0 Conclusion

- 8.1. I am satisfied that the process and procedures undertaken by Cork County Council have been fair and reasonable, that the Local Authority has demonstrated the need for the lands to be acquired are both necessary and suitable to ensure that the lands do not continue to be a derelict site.
- 8.2. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the proposed acquisition of the Derelict Site at Elm Lawn, (Rock Cottage), Loughbeg, Ringaskiddy, Co. Cork, as set out in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict sites Act 1990, (as amended) and dated 4th July 2025, pursues, and was rationally connected to, a legitimate objective in the public interest, namely, to ensure that the lands do not continue to be in a derelict condition.
- 8.3. I am also satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible. In this respect, I have considered alternative means of achieving the objective referred to in the submissions to the Board and I am satisfied that the acquiring authority has established that none of the alternatives are such as to

render the means chosen and the compulsory acquisition by the acquiring authority unreasonable or disproportionate.

8.4. The effects of the compulsory acquisition on the rights of affected landowners are proportionate to the objective being pursued. I am further satisfied that the proposed acquisition of these lands would be consistent with the policies, objectives and provisions of the Cork County Development Plan 2022-2028 which seek, *inter alia*, to address dereliction, reduce vacancy and encourage and facilitate appropriate redevelopment. Specifically:

- i. paragraph 4.9.13 of Volume 1 of the Plan which states that 'the Council will use various mechanisms to resolve issues of title including Compulsory Purchase Orders to resolve long standing vacancy/ dereliction',
- ii. paragraph 4.11.4 of Volume 1 of the Plan which sets out that land activation measures including the use of statutory powers will be used to address vacancy and dereliction.
- iii. Objective TCR 9-2 which refers to Vacancy and Regeneration and states under part (g) 'In relation to Derelict Sites the council will endeavour to use all mechanisms available to it as appropriate in order to maximize the potential of such lands.'
- iv. Policy Objective PO12 – The Councils will support the creation of attractive and vibrant places through the renovation and re-use of obsolete, vacant and derelict homes.

8.5. Accordingly, I am satisfied that the grant of consent to compulsorily acquire these lands is clearly justified by the exigencies of the common good.

9.0 Recommendation

- 9.1. Having regard to the observed condition of the site, in particular the derelict condition, the unsightly and objectionable state of the land and the structure thereon, I consider that the site materially detracts from the amenity, character and appearance of land in the neighbourhood and that it is therefore a derelict site within the meaning of Section 3 (b) of the Derelict Sites Act, 1990, as amended.
- 9.2. I consider it reasonable that the Local Authority seeks to compulsorily acquire the land, as provided by Section 14 of the Act. I recommend that the Commission grant consent to Cork County Council to compulsorily acquire the site.

10.0 Reasons and Considerations

- 10.1. Having regard to the neglected, unsightly and objectionable condition of the subject property, which detracts to a material degree from the amenity, character and appearance of land in the neighbourhood, having considered the objections made to the compulsory acquisition, and also:
 - a) the constitutional and convention protection afforded to property rights,
 - b) the public interest, and
 - c) the provision of Cork County Development Plan 2022-2028,

it is considered that the site detracts to a material degree from the amenity, character and appearance of land in the neighbourhood and, therefore, comes within the definition of a derelict site as defined in Section 3 (b) of the Derelict Sites Act, 1990, as amended, and that the compulsory acquisition of the site by the local authority is necessary in order to render the site non-derelict and to prevent it from continuing to be a derelict site. It is also considered that the objections made cannot be sustained, having regard to that said necessity and that the compulsory acquisition and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Siobhan Carroll
Planning Inspector

1st of December 2025